

RYAN, PHILLIPS, UTRECHT & MACKINNON\*

ATTORNEYS AT LAW

\*NONLAWYER PARTNER

1133 CONNECTICUT AVENUE, N.W.

SUITE 300

WASHINGTON, D.C. 20036

(202) 293-1177

FACSIMILE (202) 293-3411

AUG 12 1 44 PM '99

AUG 12 4 26 PM '99

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

August 12, 1999

Lawrence M. Noble, Esquire  
General Counsel  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
6th Floor  
Washington, DC 20463

Re: MUR 4911

Dear Mr. Noble:

Attached is the response of our clients, Gore 2000, Inc. and Jose Villerreal, as treasurer, Vice President Al Gore, and Mrs. Gore, in the above-captioned Matter Under Review. A designation of counsel statement has previously been filed for Gore 2000, Inc. and Jose Villerreal, as treasurer. Designation of counsel statements for Vice President Gore and Mrs. Gore will be forthcoming as soon as possible.

If you have any questions, please feel free to contact me.

Sincerely,



Eric F. Kleinfeld

Enc.

6134-263-40-03

RYAN, PHILLIPS, UTRECHT & MACKINNON\*

ATTORNEYS AT LAW

\*NONLAWYER PARTNER

1133 CONNECTICUT AVENUE, N.W.

SUITE 300

WASHINGTON, D.C. 20036

(202) 293-1177

FACSIMILE (202) 293-3411

August 12, 1999

Lawrence M. Noble, Esquire  
General Counsel  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
6<sup>th</sup> Floor  
Washington, DC 20463

Aug 12 4 26 PM '99  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**Re: MUR 4911, Gore 2000, Inc. and Jose Villerreal, as  
Treasurer; Vice President Al Gore and Mrs. Gore**

Dear Mr. Noble:

This is the response of our clients, Gore 2000, Inc. (the "Committee"), Vice President Al Gore and Mrs. Gore (collectively the "respondents"), in connection with the complaint filed in the above-captioned Matter Under Review ("MUR"). In short, this one-page, speculative complaint is completely devoid of any facts or detail by which even an allegation of a violation of the Federal Election Campaign Act of 1971, as amended, of the Presidential Primary Matching Payment Account Act, (the "Acts") or of the Commission's regulations could be made. The Commission should immediately dismiss this baseless complaint and close this matter, as it pertains to the above-listed respondents.

**This complaint fails to meet even the minimum standard required by the  
Commission for further consideration.**

Under the Act and the Commission's regulations, a complaint to be sufficient, valid and appropriate for filing and consideration by the Commission must "conform" to certain provisions. Included in those provisions under 11 C.F.R. §111.4(d) are the following:

- (2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements;

(3) It should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) It should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant.

Quite simply, even a cursory reading of the complaint herein clearly reveals that it does not conform to any of these provisions, and for that reason alone should be rejected by the Commission. Merely swearing to unsubstantiated words on a single page of paper should not give rise to Commission consideration of a matter under review.

Contrary to the Commission's requirements, the complaint herein contains no indication of the source of any information pertaining to respondents. In fact, it contains no information at all pertaining to one of the respondents, Mrs. Gore, other than a listing of her name, yet the Commission chose to notify her nonetheless. As to the Vice President, complainant simply makes a bald assertion that he traveled to certain cities on campaign trips, ipso facto, there is some unnamed violation of law.

In addition, the complaint is accompanied by no documentation at all, despite the Commission's documentation requirement. Obviously, this complainant lacks personal knowledge of the travels of the Vice President and had to have come by these allegations from some source. Yet, the complaint is completely devoid of any such support. By the Commission's own regulation, the complainant must identify the source of that information, and he fails to do so. Accordingly, this complaint does not conform to the information and documentation provisions of 11 C.F.R. §111.4 and should be dismissed for that reason.

More importantly, the complaint does not recite any information which can be taken as "facts". Given that it is devoid of facts, it cannot constitute a recitation of anything describing a violation of the Acts. As indicated above, the complaint recites nothing pertaining to Mrs. Gore. Its only recitation pertaining to Gore 2000 and Vice President Gore are two simple sentences:

"Last week Mr. Gore went on campaign trips from Phil. to Pitts and then down to Tampa. One trip I thought was outrageous of him flying to LA, then to Orlando for a fundraising then next day flying back to LA." [sic]

Even if this information is considered a recitation of facts, they do not, under any conceivable reading, describe a violation of a statute or regulation under the Commission's jurisdiction. Contrary to the complainant's apparent premise, the Vice President is actually permitted to travel while a candidate for President, and he is

permitted to travel on campaign trips.<sup>1</sup> In fact, he is permitted to travel on campaign fundraising trips. There can be no question that the two sentences above actually describe permissible activity by the Vice President, rather than an allegation of a possible violation, as is required by the Commission's regulations.

Something more is required for the Commission to consider these facts as giving rise to a possible violation. On their face, there is nothing wrong with these "facts", and they simply reflect the complainant's disapproval of the Vice President's travel. There is no express nor even implicit allegation -- other than gross speculation -- that the Committee did not pay for expenses related to these purported trips. Respondents should not be required to guess at or assume a potential violation that is not described in the complaint. Accordingly, this complaint does not conform to the recitation provisions of 11 C.F.R. §111.4 and should be dismissed for that reason.

**Respondents have fully complied with the Commission's travel reimbursement regulations in connection with all trips on which campaign activity has occurred.**

As set forth above, complainant purports to describe two campaign trips taken by the Vice President. Neither is factually accurate. For purposes of demonstrating that this matter should be dismissed, however, respondents are providing the following information relating to recent trips taken by the Vice President which bear some similarity to the ones described by complainant.

"Last week Mr. Gore went on campaign trips from Phil. to Pitts and then down to Tampa." [sic]

This was in reality two trips:

1. Pittsburgh – Philadelphia

On June 28, 1999, the Committee held fundraising events in Philadelphia and Pittsburgh. The Vice President attended, traveling via Air Force II on a trip from Washington, DC to Pittsburgh to Philadelphia and returned home to Washington, DC. The Committee paid for the entire trip according to the reimbursement formula of §9034.7, including travel and in-flight food expenses. See Affidavit of Gary R. Gruver and Exhibit 1. Accordingly, complainant's allegations are without merit.

2. Tampa

On June 29, 1999, the Committee held a fundraising event in Tampa. The Vice President attended, traveling via Air Force II on a trip from Washington, DC to Miami to Tampa and returned home to Washington, DC. The Committee paid for the entire trip according to the reimbursement formula of §9034.7, including

<sup>1</sup> As demonstrated below, while these two sentences do not accurately describe the trips actually taken by the Vice President, there were similar trips taken that were fully paid for by the Committee.

travel and in-flight food expenses. See Affidavit of Gary R. Gruver and Exhibit 2. Accordingly, complainant's allegations are without merit.

"One trip I thought was outrageous of him flying to LA, then to Orlando for a fundraising then next day flying back to L.A." [sic]

This trip did not occur, as alleged.

### 3. Orlando

On May 24, 1999, the Committee held a fundraising event in Orlando. The Vice President attended, traveling via Air Force II on a trip from Washington, DC to Orlando and then on to Georgia and Texas, before returning home to Washington, DC. This trip did not originate in LA nor end up there. The Committee paid for the Orlando stop according to the reimbursement formula of §9034.7, including travel and in-flight food expenses. See Affidavit of Gary R. Gruver and Exhibit 3. Accordingly, complainant's allegations are without merit.

### 4. Los Angeles

As stated above and contrary to complainant's "facts", there was no travel to or from LA immediately prior to or after the travel to Orlando. In fact, the Vice President has made three trips to LA this year, though none in May, with the stops in LA paid for by the Committee in accordance with the reimbursement formula set forth in §9034.7.<sup>2</sup> Accordingly, complainant's allegations are without merit.

All of these trips included stops at which campaign activity occurred.<sup>3</sup> Pursuant to 11 C.F.R. §9034.7, the Committee has paid for the travel costs associated with the campaign stops in Pittsburgh, Philadelphia, Tampa and Orlando. The payment amounts have been calculated according to the hypothetical formula set forth in that regulation. These payments will be reflected on the Committee's Report of Receipts and Disbursements for the appropriate period in which the payments are made.

Accordingly, even if the complaint is generously read to include the allegation that campaign activity occurred on trips for which the Committee did not pay, such allegation is patently false.

It should be noted that the regulations governing the payment of travel expenses are the same ones as were in effect during the 1996 election cycle and applied by the Clinton/Gore '96 campaign. Neither the Exit Conference Memoranda nor the Final Audit Reports contained any issues pertaining to compliance with these reimbursement rules.

<sup>2</sup> The most recent stops in LA are in the process of being billed and will be paid for by the Committee at that time. However, there is no dispute that the Committee held events in LA and will be paying for these expenses.

<sup>3</sup> The Vice President attended these events; Mrs. Gore -- though named as a respondent by the Commission -- did not attend.

2004-04-26 14:34

The Committee is following the same practice and procedure as was implemented in 1996 in order to comply with these rules, and Committee records -- including travel payments for the use of Air Force II -- are expected to be audited by the Commission as part of the routine audit conducted as a result of the acceptance of matching fund payments. Contrary to the unsupported and speculative assertions in the complaint, there is absolutely no evidence or information to suggest that the Committee has deviated from the required reimbursements.

Consequently, even assuming that complainant is describing actual trips of the Committee and its candidate, those trips were fully paid for -- or in the process of being paid for -- by the Committee. The Committee is not asserting otherwise. Given that there is no dispute as to the Committee's payment obligation, the Commission should find that there is no reason to believe that a violation of the Acts occurred, dismiss this complaint and close this matter as it pertains to these respondents.

### Conclusion

In conclusion, the complaint filed herein is completely devoid of any factual basis for the Commission to find reason to believe that a violation of the Acts or Commission regulations occurred. As demonstrated above, the scant facts contained in the complaint are speculative and completely erroneous and cannot serve as the basis for any Commission finding. Given that the Committee has complied with the provisions of the Commission's travel reimbursement regulations, insofar as the complaint can be read to raise an allegation connected thereto, this matter should be dismissed and closed immediately.

Respectfully submitted,

  
Eric Kleinfeld

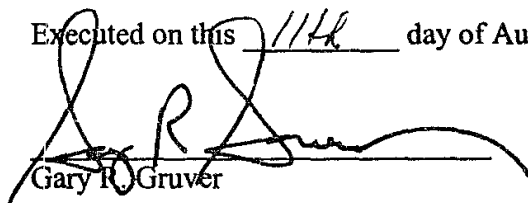
  
Lyn Utrecht

**AFFIDAVIT OF GARY R. GRUVER**

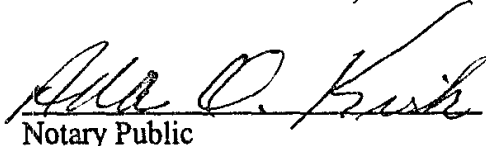
I, Gary R. Gruver, hereby declare the following:

1. I am the Director of Travel for Gore 2000, Inc. (the "Committee").
2. Among my various duties, I am responsible for the processing and payment of all bills relating to travel to and from Committee events, in accordance with the provisions of the Commission's regulations at 11 C.F.R. §9034.7.
3. I have attached true and accurate copies of the Committee's payments for travel and in-flight food expenses for campaign stops in Pittsburgh, Philadelphia, Tampa, and Orlando hereto.

Executed on this 11th day of August, 1999.

  
\_\_\_\_\_  
Gary R. Gruver

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My commission expires on: \_\_\_\_\_

Ada O. Kirk, Notary Public  
District of Columbia  
Commission Expire 6/14/02

2004-04-29 16:34:00

# Exhibit 1

20.04.397.4326



0004036

28333 07/27/99  
TRX DESCRIPTION: Airfare Expenses

7,989.00

\$7,989.00

This document contains multiple security features. See reverse side for listing.



GORE 2000 INC.  
P.O. BOX 18127  
WASHINGTON, DC 20038  
(202) 263-8000

NATIONSBANK  
National Bank, N.A.  
ACH R/T 054001204  
15-120/540 DC  
0213

0004036  
NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*7,989 DOLLARS AND 00 CENTS

08/04/99

\*\*\*\*\*7,989.00

TO THE

ORDER

OF:

White House Airlift Operations  
DEOB  
Room 265  
Washington DC 20501

NON-NEGOTIABLE

TWO SIGNATURES REQUIRED IF OVER 2,000.00

⑈004036⑈ ⑆054001204⑆ 001914191949⑈

4004035

283321

07/27/99

34.05

TRX DESCRIPTION: Airfare/Rail

\$34.05

This document contains multiple security features. See reverse side for listing.



GORE 2000 INC.  
P.O. BOX 18127  
WASHINGTON, DC 20036  
(202) 288-6000

NATIONSBANK  
National Bank, N.A.  
ACH FRT 054001204  
15-120540 DC  
0213

0004035

NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*34 DOLLARS AND 05 CENTS

08/04/99

\*\*\*\*\*34.05

TO THE

ORDER

OF:

White House Airlift Operations  
OEDB  
Room 265  
Washington DC 20501

NON-NEGOTIABLE

MP

TWO SIGNATURES REQUIRED IF OVER 2,000.00

0004035 054001204 001914191949

20.04.397.4329

# Exhibit 2

GORE 2000 INC.

0004094

28330

07/27/99

44.32

TRX DESCRIPTION: Inglight Expenses

\$44.32



GORE 2000 INC.  
P.O. BOX 18127  
WASHINGTON, DC 20036  
(202) 263-8000

NATIONSBANK  
NationalBank, N.A.  
ACH RTT 684001804  
16-180/540 DC  
0613

0004094

NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*44 DOLLARS AND 32 CENTS

08/09/99

\*\*\*\*\*44.32

TO THE  
ORDER

OF:

White House Airlift Operations  
OEOD  
Room 265  
Washington DC 20501

TWO SIGNATURES REQUIRED IF OVER \$500.00

0004094 054001204 001911191919

GORE 2000 INC.

0004095

28331

07/27/99

7,440.00

TRX DESCRIPTION: Airfare/Rail

07,440.00



GORE 2000 INC.  
P.O. BOX 18127  
WASHINGTON, DC 20036  
(202) 263-6000

NATIONSBANK  
National Bank, N.A.  
ACH/PWT 064001804  
15-120/540 DO  
0213

0004095

NUMBER

PAY:

DATE

AMOUNT

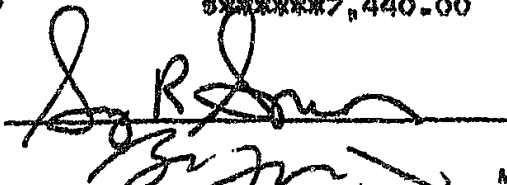
\*\*\*\*\*7,440 DOLLARS AND 00 CENTS

08/09/99

\*\*\*\*\*7,440.00

TO THE  
ORDER  
OF:

White House Airlift Operations  
DEOB  
Room 265  
Washington DC 20501

  
TWO SIGNATURES REQUIRED IF OVER \$500.00

0004095 054001204 00191419191

20.04.397.4331

27655

06/24/99

20,987.00

\$20,987.00

This document contains multiple security features. See reverse side for listing.



GORE 2000 INC.  
P.O. BOX 18127  
WASHINGTON, DC 20036  
(202) 263-6000

NATIONSBANK  
National Bank, N.A.  
ACH P/T 084001204  
15-120540 DC  
0213

0003250

NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*20,987 DOLLARS AND 00 CENTS

06/30/99

\*\*\*\*\*20,987.00

TO THE

ORDER

OF:

White House Airlift Operations  
OEOB  
Room 265  
Washington DC 20501

*[Signature]*  
**NON-NEGOTIABLE**  
TWO SIGNATURES REQUIRED IF OVER 2,000.00

⑈003250⑈ ⑆054001204⑆ 001914191949⑈

07457

06/24/99

184.79

\$184.79

This document contains multiple security features. See reverse side for listing.



**GORE 2000 INC.**  
P.O. BOX 18127  
WASHINGTON, DC 20038  
(202) 283-6000

**NATIONSBANK**  
Nation's Bank, N.A.  
ACH RVT 054001204  
15-120540 DC  
0213

**0003317**

NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*124 DOLLARS AND 79 CENTS

06/30/99

\*\*\*\*\*184.79

TO THE

ORDER

OF:

White House Airlift Operations  
DEOD  
Room 265  
Washington DC 20501

**NON-NEGOTIABLE**

MP

TWO SIGNATURES REQUIRED IF OVER 2,000.00

⑈003317⑈ ⑆054001204⑆ 001911191919⑈

27661

06/24/99

622.14

\$622.14

This document contains multiple security features. See reverse side for listing.



**GORE 2000 INC.**  
P.O. BOX 18127  
WASHINGTON, DC 20038  
(202) 283-6000

**NATIONSBANK**  
National Bank, N.A.  
ACH R/T 054001204  
15-120/540 DC  
0213

0003318

NUMBER

PAY:

DATE

AMOUNT

\*\*\*\*\*622 DOLLARS AND 14 CENTS

06/30/99

\*\*\*\*\*622.14

OTHER

ORDER

F:

White House Airlift Operations  
OEDB  
Room 265  
Washington DC 20501

NON-NEGOTIABLE

MP

TWO SIGNATURES REQUIRED IF OVER 2,000.00

⑈003318⑈ ⑆054001204⑆ 001914191949⑈